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[170]

THE CACAO BEANS EXPORT ORDINANCE, 1923.

Western Samoa.

No. 9, 1923.



An Ordinance

made by the Administrator of the Territory of Western Samoa, with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921.

Short title.

1. This Ordinance may be cited as the Cacao Beans Export Ordinance, 1923.

Owner defined.

2. In this Ordinance "Owner" means any owner, shipper or consignor of cacao beans and includes the agent of any such owner, shipper or consignor and also includes in the case of a Company the managing director, manager or other principal officer of the Company and in the case of the Crown Estates, the General Manager thereof.

Appointment of Cacao Export Committee.

3. For the purposes of this Ordinance there shall be a Cacao Export Committee (hereinafter called "the Committee") which shall consist of 3 members to be from time to time appointed by the Administrator, the act or decision of any two of whom shall be deemed to be the act or decision of the committee.

Approval of Committee before exporting required.

4. No person shall export or attempt to export or be concerned in exporting any cacao beans from Samoa unless such beans shall have been first examined by the committee.

Packing and branding of beans for export.

5. All cacao beans for export from Samoa shall be packed in clean new bags each of which shall be clearly marked with a brand indicating the owner and known to the committee.

Storing for examination.

6. (1) For the purpose of examination by the committee all cacao beans shall be stored by the owner thereof in the Customs Export shed or other place appointed by the Committee at least 24 hours before the time of intended shipment.

- (2) The owner shall at the time of storing as aforesaid, submit the cacao beans for examination by the committee by giving the committee written advice specifying the number of bags, total weight, brand and owner's name and address and stating in the case of beans grown or sold by a Samoan or mixed with beans so grown or sold, the fact of such beans having been so grown, sold or mixed as the case may be.
- (3) Where there is any marked difference in the quality of the cacao beans submitted for examination in one lot or under one brand the owner shall submit such beans in two separate parcels each of a uniform quality with a distinguishing mark on all the bags of the parcel which is inferior and the advice to the committee shall shew such distinguishing mark.
- (4) The owner shall also at the time of storing as aforesaid deliver to the committee the bill of lading or bills of lading under which he proposes to ship the cacao beans so stored signed by the ship's agent, and having the separate parcels of cacao beans (if more than one parcel) shewn thereon together with all the distinguishing marks of the respective parcels.

Duties of owner at time of storing.

7. The Committee may refuse to examine any cacao beans in respect of which the provisions of the two preceding clauses have not been complied with.

Committee may refuse to examine beans.

8. Every person who wilfully supplies false or misleading information or who wilfully omits to supply any information required in the advice referred to in Clause 6 hereof, commits a breach of this Ordinance.

Supplying false or misleading information, &c. constitutes an offence.

9. The transit to and from the place of examination and to the ship and the receiving, storage, opening for examination rebagging and every other service in connection with cacao beans for export and also the insurance and protection from loss or damage shall be undertaken by the owner and there shall be no liability of any kind upon the Administration or its servants in connection with any of the matters aforesaid.

Owner to undertake transit, storage, opening, rebagging, &c.

10. In the case of any parcel of cacao beans which conforms to the standard required by the committee for good quality cacao the bill of lading relating to such parcel shall be stamped on behalf of the committee with the words "Standard Quality Cacao."

Bill of Lading to be stamped "Standard quality cocoa" where beans conform to standard.

11. In the case of any parcel of cacao beans inferior in quality to the standard mentioned in the preceding clause the committee shall cause the bill of lading relating to such parcel to be stamped on behalf of the committee with the words "Inferior Quality Cacao" if the committee thinks that the inferiority is so marked that in the interest of cacao producers in Samoa the bill of lading should be so stamped, but otherwise shall not, except as provided in next clause, cause any stamp to be put upon the bill of lading.

Inferior quality cocoa.

Native coo

Prohibition

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Owner dis decision of may apply Court.

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Owner to undertake transit, storage, opening, rebagging, &c.

10. In the case of any parcel of cacao beans which conforms to the standard required by the committee for good quality cacao the bill of lading relating to such parcel shall be stamped on behalf of the committee with the words "Standard Quality Cacao."

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Inferior quality cacao.

Native cocoa.

12. In the case of any parcel of cacao beans grown or sold by a Samoan or mixed with beans so grown or sold, the committee may in its discretion cause the bill of lading relating to such parcel to be stamped on behalf of the committee with the words, "Native Cacao."

Prohibition from export

13. In the case of any parcel of cacao beans which is in the opinion of the committee of such quality that in the interest of cacao producers in Samoa, it ought not to be exported, the committee may by notice in writing to the owner specifying the parcel in question prohibit the export of the same and any person who thereafter exports or attempts to export or is concerned in exporting such beans, or any of them shall be guilty of an offence unless he proves that he had no knowledge of such notice.

Where export prohibited owner may remove same for resorting &c.

14. The Committee shall at the request of the owner of any parcel of cacao beans, the export of which is prohibited under the last preceding clause allow the same to be removed by the owner for resorting or re-conditioning and re-submitted for examination and in such case, the charge for examination provided for by clause 10 hereof shall be made in respect of the first examination and a further charge shall be made in respect of any subsequent examination.

Stamped Bill of Lading to be signed by member of Committee.

15. (1) Every bill of lading stamped on behalf of the committee shall be so stamped by a member of the committee authorised by the committee in that behalf and such member shall subscribe his name and the date of examination as indicated in the schedule below the stamp, which shall be in the form in the schedule.

Different parcels on one Bill of Lading.

(2) If any bill of lading referring to different parcels of cacao beans requires to be differently stamped in respect of such different parcels, the different stamps shall be so placed on the bill of lading as to clearly refer the appropriate parcels, or the owner shall be required by the committee to procure a separate bill of lading for each parcel.

Owner dissatisfied with decision of Committee may apply to High Court.

16. If the owner of any parcel of cacao beans of which the committee has prohibited the export is dissatisfied with the decision of the committee, he may apply to the High Court for an Order calling upon the committee to shew cause why such export has been prohibited and the High Court shall thereupon hear such evidence as may be relevant to the question and make such order in the premises as shall to the Court seem just.

No appeal save as in preceding clause and no action to lie against Committee.

17. Except as provided in the preceding clause, there shall be no appeal from any decision of the committee and no action shall lie against the committee or any member thereof or against any officer of the Crown or against the Crown in respect of any act of the committee or any decision of the committee as to the quality of any cacao beans.

Quality determined.

18. The quality of any parcel of cacao beans shall be determined by the committee only after opening and inspecting the contents of every bag of such parcel.

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19. The charge for examining cacao beans shall be such sum not exceeding threepence per bag of beans examined as the Administrator shall from time to time determine and shall be payable by the owner to the committee on demand.

Charge for examination.

20. No persons shall without the consent of the committee remove from the place of examination except for the purpose of immediately shipping them for a port beyond Western Samoa any cacao beans which have been examined by the committee.

Beans not to be removed except for shipment without consent of Committee.

21. In the case of cacao beans for export which in the opinion of the committee have become damaged or deteriorated after examination by the committee and before shipment the owner thereof shall if and when required to do so by the committee submit the same for re-examination and the committee may make such re-examination at the expense in all things of the owner.

Damaged or deteriorated beans.

22. No person shall alter or obliterate wholly or partially or cause to be altered or obliterated nor shall any person counterfeit any stamp made with the authority of the committee on any bill of lading or substitute for any bill of lading stamped in respect of a parcel or parcels of cacao beans to be shipped thereunder any other bill of lading or use in respect of the shipment of any parcel or parcels of cacao beans any bill of lading stamped in respect of another parcel or empty or partially empty or otherwise interfere with any bag or parcel of cacao beans after the same shall have been examined in order to put therein or substitute any other cacao beans. If or the purposes of this clause the date of examination subscribed below any stamp shall be deemed to be part of such stamp.

Stamp made by Committee on Bill of Lading not to be altered or obliterated or counterfeited, and bag or parcel of beans not to be interfered with after examination.

23. Any person committing a breach of this Ordinance shall be liable to a penalty not exceeding £100.

Penalty.

THE SCHEDULE

Government of Western Samoa.

Standard Quality Cacao.

(or as the case may be.)

Date.....

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For Cacao Export Committee.

Assented to this 19th day of
November, 1923.

[L.S.] GEO. S. RICHARDSON,
Administrator.